

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

United States of America

v.

Criminal No. 09-cr-187-08-JL

Thoms Golliver

ORDER OF DETENTION

On May 5, 2010, the defendant, Thomas Golliver, pled guilty to one count of Conspiracy to Possess with Intent to Distribute Oxycodone, Suboxone, Lorezepam, and Ativan. On July 8, 2010, the defendant filed an Assented-to Motion for Bail (document no. 177). The court then scheduled a bail hearing for July 20, 2010.

On today's date, a bail hearing occurred at which the defendant argued that he should be released pending his sentencing hearing, which is currently scheduled for September 16, 2010. At the hearing, the government objected to the defendant's release.

The defendant does not dispute the applicability of 18 U.S.C. § 3143(a)(2) in his case. The defendant concedes, as he must, therefore, that he shall be detained unless the conditions of 18 U.S.C. § 3143(a)(2)(A) and (B) are satisfied. However, neither subsection of the statute is satisfied in this case.

First, with respect to subsection A, the defendant does not dispute that, in his case, there is no substantial likelihood that a motion for acquittal or new trial would be granted. See 18 U.S.C. § 3143(a)(2)(A)(i). Nor does the defendant dispute that the attorney for the government is going to recommend at his sentencing hearing that he serve a sentence of imprisonment. See 18 U.S.C. § 3143(a)(2)(A)(ii). As a result, the court need not reach the question of whether the defendant has satisfied the stringent burden of proof laid out in subsection B. Even if the court were to reach the standard outlined in subsection B, however, the court would not find the defendant's proffer sufficient to meet that standard for the reasons outlined by the court in its ruling on the record.

Accordingly, the defendant's request for bail pending his sentencing (document no. 177) is denied.

SO ORDERED.



Landya B. McCafferty
United States Magistrate Judge

Date: July 20, 2010

cc: Glenn Geiger, Esq.
Jennifer C. Davis, Esq.
U.S. Probation
U.S. Marshal